

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL YANNES, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

SCWORX CORPORATION and MARC S.
SCHESSEL,

Defendants.

CIVIL ACTION NO.: 20-CV-3349-JGK

CLASS ACTION

**LEAD PLAINTIFF’S NOTICE OF MOTION FOR (A) FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND PLAN OF ALLOCATION AND (B) AWARD OF
ATTORNEYS’ FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

Please take notice that, pursuant to Federal Rules of Civil Procedure 23(e) and this Court’s Order Preliminarily Approving Settlement and Providing for Notice dated March 22, 2022 (the “Preliminary Approval Order”), and upon (i) the Declaration of Frederic S. Fox in Support of (A) Lead Plaintiff’s Motion for Final Approval of Settlement and Plan of Allocation and (B) Lead Counsel’s Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses; (ii) the Declaration of Jack Ewashko Regarding (A) Mailing of the Notice and Proof of Claim Form; (B) Proof of Publication of the Summary Notice; and (C) Report on Requests for Exclusion and Objections Received to Date; (iii) the Memorandum of Law in Support of Lead Plaintiff’s Motion for Final Approval of Settlement and Plan of Allocation; (iv) the Memorandum of Law in Support of Lead Counsel’s Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses; and (v) and all other papers and proceedings herein, Lead Plaintiff, Vy Nguyen, on behalf of himself and the Settlement Class, will and do hereby move this Court, before the Honorable John G. Koeltl, on June 29, 2022 at 2:30 p.m. at the United States District Court for

the Southern District of New York, 500 Pearl Street, Courtroom 14A, New York, New York 10007, or at such other location and time as set by the Court, for entry of Judgment approving the Settlement and the issuance of Settlement Shares as fair, reasonable and adequate, for entry of an Order approving the proposed Plan of Allocation as fair and reasonable, and for an Order approving an award of Attorneys' Fees and reimbursement of Litigation Expenses.

Attached hereto as Exhibit A is the [Proposed] Final Judgment and Order of Dismissal with Prejudice that Lead Plaintiff respectfully requests the Court sign and enter.

Dated: May 25, 2022

Respectfully submitted,

KAPLAN FOX & KILSHEIMER LLP

/s/ Frederic S. Fox

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*Lead Counsel for Lead Plaintiff and the
Settlement Class*

CERTIFICATE OF SERVICE:

I hereby certify that on Wednesday, May 25, 2022, I caused the foregoing Lead Plaintiff's Notice of Motion For (A) Final Approval of Class Action Settlement and Plan of Allocation and (B) Award of Attorneys' Fees and Reimbursement of Litigation Expenses, and all supporting documents, to be served electronically on all counsel of record.

s/ Frederic S. Fox
Frederic S. Fox